

REMARKS

The present amendment is submitted in response to the Office Action dated August 21, 2003, which set a three-month period for response, making this amendment due by November 21, 2003.

Claims 8-14 are pending in this application.

In the Office Action, the drawings were objected to on grounds that the drawings and graphs should be labeled. Claims 8-14 were objected to for various informalities. The Examiner noted that the claims added when original claims 1-7 were canceled in the Simultaneous Amendment have been renumbered as claims 8-14. Claims 8-14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 8 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,304,035 to Loth in view of U.S. Patent No. 4,236,099 to Rosenblum and U.S. Patent No. 4,665,321 to Chang. Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Loth, Rosenblum, and Chang et al as applied to claims 8 and 11 above and further in view of U.S. Patent No. 5,140,223 to Wallrafen.

In this amendment, the drawings have been amended to add the requested labels.

The specification has been amended to add appropriate headings and to delete reference to the claims.

Claims 8-14 have been amended extensively to delete and/or change the objected-to phrases and terms and to provide proper antecedent bases for the

claimed elements. Claim 8 has been amended to recite the various elements comprising the device in the format requested by the Examiner.

The Applicants respectfully submit that amended claims 8-14 define a patentably distinct set of features that is not made obvious by the cited reference combinations.

The core of the present invention is that in the evaluation device, temperature dependent basic signals are stored, which the sensors emit with darkness. The evaluation unit corrects, in dependence on the temperature, the actual signals of the sensor with the incidence of light with the aid of the corresponding basic signal. The basic signals typically are the darkness currents, which light-sensitive semi-conductor components commonly emit. These darkness currents are temperature dependent and must be considered with existing compensation, in order to achieve an accurate measurement result.

These types of temperature-dependent compensations cannot be provided by the cited references. Likewise, each of the cited references contains no suggestion on the type of device defined in independent claim 8. Therefore, claims 8-14, as amended, are indeed patentable over the cited art.

For the reasons set forth above, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 112 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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